

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ASSOCIATION OF CITIZENS TO)
PROTECT AND PRESERVE THE)
ENVIRONMENT OF THE)
OAK GROVE COMMUNITY,)

Plaintiff,

V.

) CIVIL ACTION NO.: **2:07-CV-378-MEF**

UNITED STATES FEDERAL)
AVIATION ADMINISTRATION)
RANS BLACK, KEAFUR GRIMES,)
et al.)

Defendants.

FEDERAL AVIATION ADMINISTRATION’S
MOTION TO DISMISS

COME NOW the defendants, the Federal Aviation Administration (FAA) and Rans Black and Keafur Grimes in their official capacity as FAA officials, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and move to dismiss for lack of subject-matter jurisdiction pursuant to Rule 12 (b)(1) of the Federal Rules of Civil Procedure. The grounds for this motion are that 49 U.S.C. § 46110 (Supp. 2007) grants the Courts of Appeals exclusive jurisdiction to review FAA orders approving airport development projects. In support of this motion, defendants rely upon the accompanying memorandum of law.

WHEREFORE, defendants request that the Court dismiss plaintiff's claims in their entirety for lack of subject-matter jurisdiction.

Respectfully submitted this 1st day of August, 2007.

LEURA G. CANARY
United States Attorney

By: /s/Stephen M. Doyle
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CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Benjamin Max Bowden, Esquire.

/s/Stephen M. Doyle
Assistant United States Attorney